

**FUKUNAGA MATAYOSHI HERSHY & CHING
LEGAL FEES**

A. CASE DEVELOPMENT

| Date | Timekeeper | Time | Amount | Description of Service |
|------------|------------|------|--------|---|
| 02/03/2004 | W. Ching | 1.00 | 150.00 | Review plaintiff's first amended complaint and claim file |
| 02/06/2004 | W. Ching | 0.20 | 30.00 | Tel call with E Saffery regarding transfer of HTC defense of copyright infringement case |
| 02/10/2004 | W. Ching | 0.20 | 30.00 | Tel call with E Saffery regarding meeting to discuss settlement conf next week and status of discovery |
| 02/11/2004 | W. Ching | 1.00 | 150.00 | Meet and confer with Ed Saffery regarding upcoming settlement conf, discovery to date, status of discovery and prior settlement discussions |
| 02/12/2004 | W. Ching | 1.00 | 150.00 | Review HTC scheduling conf statement, HTC Rule 26 initial disclosures, confidential settlement conf statement, demand letter from Hogan to HTC, and Berry's motion for leave to file 2d amended complaint |
| 02/13/2004 | W. Ching | 0.50 | 75.00 | Draft email to D Stephanick regarding hearing on plaintiff's motion for leave to file second amended complaint and settlement conference on 2/ 17/04 |
| 02/20/2004 | W. Ching | 0.40 | 60.00 | Draft letter to client and Stephanick with withdrawal and sub of counsel |
| 02/23/2004 | W. Ching | 0.20 | 30.00 | Draft email to Ikeno and Stephanick regarding court's two minute orders |
| 02/24/2004 | W. Ching | 0.10 | 15.00 | Draft email to Ikeno and Stephanick regarding court's two minute orders |
| 02/28/2004 | W. Ching | 0.80 | 120.00 | Review plaintiff's proposed second amended complaint and Foodland's objections |
| 02/28/2004 | W. Ching | 0.30 | 45.00 | Review Lex Smith's draft term sheet for possible settlement and transmit same to client by email |
| 03/01/2004 | W. Ching | 0.20 | 30.00 | Tel call with C Ikeno of HTC regarding status of settlement conf |

| Date | Timekeeper | Time | Amount | Description of Service |
|------------|------------|------|--------|---|
| 03/02/2004 | K. Douglas | 0.20 | 25.00 | Determine deadlines for objections to proposed Second Amended Complaint |
| 03/02/2004 | K. Douglas | 0.40 | 50.00 | Review Objections filed by Foodland and Fleming Co. |
| 03/02/2004 | W. Ching | 0.20 | 30.00 | Review L Smith draft term sheet and comments by other defendants |
| 03/08/2004 | W. Ching | 0.20 | 30.00 | Review court minutes regarding Plaintiff's redrafted proposed Second Amended complaint and draft email to client and Stepanick re same |
| 03/13/2004 | W. Ching | 0.20 | 30.00 | Review exchange of email between plaintiff's counsel and defense counsel re mediation and whether plaintiff's SAC is to be filed or not |
| 03/19/2004 | W. Ching | 0.30 | 45.00 | Review J Kobayashi's order directing mediation and appointing mediator and draft email to client and carrier re same |
| 03/22/2004 | W. Ching | 0.10 | 15.00 | Exchange email with D Stepanick re mediation |
| 04/05/2004 | W. Ching | 0.20 | 30.00 | Tel call with mediator W Meyer regarding mtg with him on 3/16 without client rep or claim rep |
| 04/05/2004 | W. Ching | 0.30 | 45.00 | Draft status email letter to D Stephanick re my tel call with mediator W Meyer regarding mtg with him on 3/16 without client rep or claim rep or our deposit due to him |
| 04/06/2004 | W. Ching | 0.20 | 30.00 | Exchange email with D Stephanick re deposit to mediator and upcoming mediation in May |
| 04/06/2004 | W. Ching | 0.20 | 30.00 | Draft letter to B Meyer re mediator's deposit and our prehearing conference |
| 04/07/2004 | K. Douglas | 0.60 | 75.00 | Review First Amended Complaint and Verified Second Amended Complaint for allegations against client HTC |
| 04/14/2004 | W. Ching | 0.20 | 30.00 | Review letter from Meyer re mediation statements and transmit same to client and Stephanick |
| 04/14/2004 | W. Ching | 0.40 | 60.00 | Revise draft confidential mediation statement |

| Date | Timekeeper | Time | Amount | Description of Service |
|------------|------------|------|--------|---|
| 04/15/2004 | K. Douglas | 0.60 | 75.00 | Revise pre-mediation statement for meeting with mediator based on W. Meyers' request for mediation statements |
| 04/15/2004 | K. Douglas | 0.70 | 87.50 | Research re: recovery of attorneys' fees and costs for prevailing party |
| 04/16/2004 | W. Ching | 0.50 | 75.00 | Revise confidential mediation statement to W Meyer |
| 04/16/2004 | W. Ching | 0.50 | 75.00 | Prepare for pre mediation meeting with W Meyer at his office |
| 04/16/2004 | W. Ching | 1.00 | 150.00 | Attend pre mediation meeting with W Meyer at his office |
| 04/19/2004 | K. Douglas | 0.30 | 37.50 | Letter to C. Ikeno re: confidential mediation statement |
| 04/19/2004 | K. Douglas | 0.30 | 37.50 | Review Local Federal Rules for requirement of settlement offer prior to mediation |
| 05/14/2004 | W. Ching | 0.10 | 15.00 | Review letter from L Smith to J Kobayashi re Guidance Software data |
| 05/18/2004 | W. Ching | 0.20 | 30.00 | Review email from T Hogan and draft email to Ikeno at HTC re possible email from Berry to HTC [redacted] |
| 06/01/2004 | W. Ching | 0.10 | 15.00 | Draft letter to client, Stephanick and Saffrey re amended rule 16 scheduling order with trial date |
| 06/01/2004 | J. Morgan | 0.30 | 34.50 | Revise draft pretrial and trial calender and letter transmitting same |
| 06/08/2004 | W. Ching | 0.20 | 30.00 | Exchange email with Hogan re witness Bernadino and forward same to Ikeno at HTC |
| 06/08/2004 | W. Ching | 0.20 | 30.00 | Tel calls with W Wei re his knowledge of witness H Bernadino |
| 06/18/2004 | W. Ching | 0.10 | 15.00 | Review letters from L Smith and T Hogan re request for a status conf with magistrate judge as to plaintiff's deposition |
| 06/18/2004 | W. Ching | 0.40 | 60.00 | Draft letter to client HTC and D Stephanick with plaintiff's motion for prel injunction and HTC discovery responses |

| Date | Timekeeper | Time | Amount | Description of Service |
|------------|------------|------|--------|---|
| 07/07/2004 | W. Ching | 0.20 | 30.00 | Tel call with C Ikeno re my recent phone call with Hogan that HTC's new program installed in 5/04 is infringing Berry's software |
| 07/09/2004 | W. Ching | 0.40 | 60.00 | Tel call with P Kashiwa and E Saffery re HTC [redacted] |
| 07/15/2004 | W. Ching | 2.00 | 300.00 | Attend meeting with G Okamura and C Ikeno of HTC and P Kashiwa and E Saffery of Goodsill re HTC [redacted] |
| 07/31/2004 | E. Lee | 0.50 | 30.00 | Review case files received from prior counsel |
| 08/09/2004 | W. Ching | 0.10 | 15.00 | Confer with E Porter re status of filing dispositive motions against plaintiff |
| 08/12/2004 | W. Ching | 0.20 | 30.00 | Tel calls with Gordon Okumura re Berry's case thrown out in Delaware bankruptcy court |
| 08/12/2004 | W. Ching | 0.20 | 30.00 | Review mediator Meyer's final invoice and draft email to D Stephanick re payment of same |
| 08/30/2004 | J. Morgan | 1.00 | 115.00 | Draft summary of hearing for client/file |
| 09/02/2004 | J. Morgan | 3.90 | 448.50 | Work on evidence/argument chart; begin reading Berry Deposition transcript from July 1, 2004 |
| 09/03/2004 | W. Ching | 0.20 | 30.00 | Review and revise status letter to client HTC and Stephanick re hearing before Judge Mollway on plaintiff's motion for preliminary injunction |
| 09/03/2004 | J. Morgan | 1.00 | 115.00 | Continue reading Berry's 7/1/04 Deposition |
| 09/09/2004 | J. Morgan | 3.00 | 345.00 | Continue reading and analyzing plaintiffs complaint and allegations raised in response to interrogatories in preparing for motion for summary judgment and client meeting and continue researching elements of direct and contributory infringement in preparation for same |
| 09/15/2004 | K. Douglas | 0.40 | 50.00 | Review factual allegations and defenses for Berry claims against HTC |

| Date | Timekeeper | Time | Amount | Description of Service |
|------------|------------|------|--------|---|
| 09/15/2004 | W. Ching | 0.20 | 30.00 | Exchange email and phone calls with Tim Hogan regarding his request for a meet and confer on HTC's Freight System |
| 09/15/2004 | W. Ching | 0.20 | 30.00 | Draft email to C Ikeno and E Saffery re Hogan's request for a meet and confer on HTC's Freight System |
| 09/15/2004 | W. Ching | 0.20 | 30.00 | Draft letter to client and Stephanick with Fleming's motion for appointment of special master and affidavit of Mark Dillon |
| 09/15/2004 | W. Ching | 0.20 | 30.00 | Review email from Hogan et al re settlement demand on Fleming et al and forward same to client, Stephanick and Saffery |
| 09/15/2004 | W. Ching | 0.20 | 30.00 | Tel call with C Ikeno re agenda for our meeting tomorrow and persons he is bringing from HTC |
| 09/16/2004 | W. Ching | 0.50 | 75.00 | Review memo from JMM with issues to discuss at mtg with HTC, case chronology and Berry Claim Analysis re HTC |
| 09/16/2004 | W. Ching | 0.20 | 30.00 | Tel call with C Ikeno re whether HTC got Berry's notice of infringement 9/30/02 |
| 09/16/2004 | W. Ching | 1.00 | 150.00 | Review relevant factual allegations and documents produced by Berry |
| 09/16/2004 | W. Ching | 3.00 | 450.00 | Meet and confer with HTC representatives Ikeno, Wei and Lam re HTC's response to Berry's answers to HTC interrogatories and responses by Wei and Lam to issues raised by plaintiff in preparation for HTC motion for summary judgment |
| 09/16/2004 | J. Morgan | 2.20 | 253.00 | Attend Meeting with clients Ikeno, Wei and Lam re HTC's response to Berry's answers to HTC interrogatories and responses by Wei and Lam to issues raised by plaintiff in preparation for HTC motion for summary judgment |
| 09/16/2004 | J. Morgan | 1.00 | 115.00 | Draft memo regarding client meeting; |
| 09/17/2004 | W. Ching | 0.10 | 15.00 | Email to E Saffery re HTC claim in Fleming BK in Delaware |

| Date | Timekeeper | Time | Amount | Description of Service |
|------------|------------|------|--------|---|
| 09/17/2004 | W. Ching | 0.20 | 30.00 | Tel call with T Hogan re mtg next Tuesday to discuss discovery issues |
| 09/22/2004 | J. Morgan | 0.10 | 11.50 | Read Logistics document sent by Hogan and address related issues |
| 09/22/2004 | J. Morgan | 0.80 | 92.00 | Participate in telephone conference call with client regarding HTC's database program to track demurrage |
| 09/22/2004 | W. Ching | 0.50 | 75.00 | Review emails from T Hogan with attachments and forward same to C Ikeno at HTC |
| 09/22/2004 | W. Ching | 1.00 | 150.00 | Tel calls with M Lam, G Kunimura, and B Lee from HTC re development of HTC's May 2004 program to track demurrage and detention charges by Kunimura |
| 09/24/2004 | W. Ching | 0.40 | 60.00 | Tel calls with W Wei re his email and internet connection at Fleming and the inbound and outbound forms Fleming provides to HTC on a daily basis |
| 10/04/2004 | W. Ching | 0.30 | 45.00 | Review email from other counsel re motions filed 9/30, review Cohen's answer to second amended complaint, and review and reply to email from Hogan re HTC's 5/04 software program |
| 10/04/2004 | J. Morgan | 0.20 | 23.00 | Coordinate calendaring for Pltf's Motion for Relief |
| 10/04/2004 | J. Morgan | 1.60 | 184.00 | Send email to clients re: response to Hogan's request for additional information; telcon with clients, Lex Smith and Edmund Saffrey re: same |
| 10/04/2004 | J. Morgan | 0.40 | 46.00 | Draft summary of continued hearing on Berry's preliminary injunction motion |
| 10/05/2004 | J. Morgan | 0.40 | 46.00 | Draft status report regarding potential infringing code contained within HTC database |
| 10/05/2004 | J. Morgan | 0.20 | 23.00 | Review declaration pages of insurance policies |
| 10/05/2004 | J. Morgan | 0.20 | 23.00 | Draft response to Hogan's request for screens, reports, and use of database |

| Date | Timekeeper | Time | Amount | Description of Service |
|------------|------------|------|--------|---|
| 10/05/2004 | J. Morgan | 0.20 | 23.00 | Draft letter to Dana Stephanick re: insurance policies |
| 10/05/2004 | L. Chong | 1.00 | 175.00 | Analyze theories of the defense and prepare email memo to all attorneys outlining the main theories of defense to copyright infringement claim on the Berry Freight Control System. |
| 10/08/2004 | J. Morgan | 0.10 | 11.50 | Telcon to Crum Forster re: insurance docs faxed over last week |
| 10/11/2004 | J. Morgan | 0.80 | 92.00 | Review documents from client related to the database; draft memo to WHC re: same, including suggested language for response |
| 10/11/2004 | J. Morgan | 0.30 | 34.50 | Discuss case status and status of producing materials with WHC |
| 10/14/2004 | W. Ching | 0.50 | 75.00 | Draft email to Hogan with our proposed SPO and status of HTC search for daily reports and tel call with Hogan re same |
| 10/21/2004 | J. Morgan | 1.70 | 195.50 | Finish reading court's order denying motion for preliminary injunction; read SEC cease and desist order; begin reading exhibits attached to Alvin Tamahana's deposition which were provided by Berry and which allegedly provide evidence of HTC's infringement |
| 10/22/2004 | J. Morgan | 0.40 | 46.00 | Read letter briefs from Hosoda and Hogan re: Iowa Telecom issue |
| 10/27/2004 | J. Morgan | 1.90 | 218.50 | Analyze and read daily reports from Client |
| 10/29/2004 | J. Morgan | 0.30 | 34.50 | Draft and send letter to Tim Hogan transmitting the revised SPO |
| 11/03/2004 | J. Morgan | 0.50 | 57.50 | Conduct research and attempt to locate Berry's website |
| 11/03/2004 | L. Chong | 0.70 | 122.50 | Telephone conference reviewing case and qualifications of candidate for expert witness on infringement, Taeus Science & Engineering Consultants; email to B. Hollibaugh (Taeus) re sending qualification letter and materials to trial counsel WHC. |

| Date | Timekeeper | Time | Amount | Description of Service |
|------------|------------|------|--------|--|
| 11/05/2004 | J. Morgan | 0.50 | 57.50 | Telephone calls to and from Leroy Colombe, attorney for Foodland and follow-up re: defendants jointly moving to change the new dispositive motions dates |
| 11/05/2004 | J. Morgan | 0.30 | 34.50 | Draft and send letter to Tim Hogan re: status of Protective order |
| 11/05/2004 | J. Morgan | 0.10 | 11.50 | Read Kroll Investigative Analysis Report and Hogan's reply to same |
| 11/05/2004 | W. Ching | 0.10 | 15.00 | Review email from Hogan re Jim Keblan and draft email to Ikeno of HTC re same |
| 11/05/2004 | W. Ching | 0.30 | 45.00 | Tel call with C Ikeno re email from Hogan re Jim Keblan and his involvement in transition between Fleming and C & S and Judge Mollway's order granting plaintiff's motion for reconsideration to continue motions for SJ |
| 11/08/2004 | W. Ching | 0.20 | 30.00 | Analyze Lex Smith's request to Clyde Matsui to serve as discovery master |
| 11/08/2004 | J. Morgan | 0.30 | 34.50 | Communicate with clients and Defense counsel re: using Clyde Matsui as a Discovery Master |
| 11/09/2004 | W. Ching | 0.20 | 30.00 | Tel call with C Ikeno re HTC [redacted] |
| 11/09/2004 | J. Morgan | 0.50 | 57.50 | Email and telcon to Wendell Wei re: James Kleban |
| 11/10/2004 | W. Ching | 0.10 | 15.00 | Review email from Hogan and Hasoda re discovery and Noa's deposition |
| 11/11/2004 | W. Ching | 0.20 | 30.00 | Review email from L Smith re parties have agreed to Matsui as discovery master and forward same to client and Urban |
| 11/15/2004 | J. Morgan | 0.50 | 57.50 | Telcon with Lex re: Guidance and other issues |
| 11/18/2004 | W. Ching | 0.30 | 45.00 | Review Berry's deposition notices and reply memoranda to Fleming's and Dillon et al's opposition to Berry's motion for reconsideration of order denying Berry's motion for preliminary injunction |

| Date | Timekeeper | Time | Amount | Description of Service |
|------------|------------|------|--------|---|
| 11/22/2004 | J. Morgan | 0.60 | 69.00 | Begin drafting ICA and Legal Fees for client |
| 11/23/2004 | J. Morgan | 0.80 | 92.00 | Read court's 11/19 order, recent filings, and recent correspondence |
| 11/23/2004 | J. Morgan | 1.40 | 161.00 | Continue drafting response letter to Hogan re: status of Stipulated Protective Order |
| 11/24/2004 | W. Ching | 0.20 | 30.00 | Revise letter to T Hogan re HTC's proposed SPO |
| 11/27/2004 | J. Morgan | 0.20 | 23.00 | Revise letter to Hogan re: SPO |
| 11/29/2004 | J. Morgan | 2.10 | 241.50 | Continue drafting initial legal fees and initial case analysis |
| 11/30/2004 | J. Morgan | 3.00 | 345.00 | Continue drafting ICF and ICA |
| 12/02/2004 | J. Morgan | 1.30 | 149.50 | Continuing drafting ICA and Initial Legal Fees Analysis |
| 12/06/2004 | J. Morgan | 0.80 | 92.00 | Draft responsive letter to Hogan's December 3, 2004 letter re: stipulated protective order |
| 12/06/2004 | W. Ching | 0.10 | 15.00 | Review letter from Hogan re stipulate protective order |
| 12/07/2004 | W. Ching | 0.20 | 30.00 | Review letter from Hogan re SPO and revise response letter to Hogan and review letter from C Matsui |
| 12/07/2004 | J. Morgan | 0.50 | 57.50 | Revise letter to Hogan re: Stipulated Protective Order |
| 12/08/2004 | J. Morgan | 0.10 | 11.50 | Revise letter to Hogan re: stipulated protective order |
| 12/08/2004 | J. Morgan | 1.30 | 149.50 | Continue reading transcript from preliminary injunction hearing |
| 12/09/2004 | W. Ching | 0.20 | 30.00 | Review Hogan's letter re our proposed SPO and revise response letter to him |
| 12/09/2004 | J. Morgan | 0.80 | 92.00 | Draft response to December 9, 2004 letter re: Stipulated Protective Order |

| Date | Timekeeper | Time | Amount | Description of Service |
|------------|------------|------|--------|--|
| 12/10/2004 | J. Morgan | 0.40 | 46.00 | Draft transmittal letter to Clyde Matsui sending over documents in case per his request |
| 12/10/2004 | J. Morgan | 0.10 | 11.50 | Finalize December 9, 2004 letter to Hogan re: Stipulated Protective Order |
| 12/11/2004 | W. Ching | 1.00 | 150.00 | Revise initial case analysis and legal fee estimate |
| 12/13/2004 | J. Morgan | 0.40 | 46.00 | Revise ICA |
| 12/14/2004 | W. Ching | 0.20 | 30.00 | Confer with A Miller re status of lawsuit and our pending HTC motion for SJ |
| 12/14/2004 | W. Ching | 0.10 | 15.00 | Review letters from counsel for Fleming and Foodland to discovery master |
| 12/16/2004 | W. Ching | 0.30 | 45.00 | Revise settlement and verdict range for our initial case analysis and budget for R Urban and email signed copies to Urban |
| 12/20/2004 | J. Morgan | 0.20 | 23.00 | Send ICA and Legal Fees analysis to R. Urban and respond to emails re: same |
| 12/27/2004 | E. Lee | 0.30 | 19.50 | Review recent correspondence and pleadings for information concerning case status and upcoming events |
| 01/11/2005 | J. Morgan | 0.30 | 34.50 | Review email correspondence between counsel re: SPO |
| 01/12/2005 | J. Morgan | 1.30 | 149.50 | Read draft stipulated confidentiality order from Liebeler's office and compare with standard stipulated protective orders used in the past |
| 01/13/2005 | J. Morgan | 0.50 | 57.50 | Telcon with Melissa Dulac re: confidentiality order and send email re: same |
| 01/14/2005 | J. Morgan | 0.30 | 34.50 | Read Berry's draft stip and preservation of evidence and comment re: same |
| 01/19/2005 | J. Morgan | 0.80 | 92.00 | Draft update re: hearing to send to clients |
| 01/19/2005 | J. Morgan | 0.80 | 92.00 | Conference call with client |
| 01/27/2005 | W. Ching | 0.10 | 15.00 | Review letters from Hogan and Smith re C&S computer network |

| Date | Timekeeper | Time | Amount | Description of Service |
|------------|------------|------|--------|---|
| 01/28/2005 | W. Ching | 0.20 | 30.00 | Draft email to client, Urban and Saffery re order granting HTC motion for SJ |
| 01/28/2005 | J. Morgan | 0.10 | 11.50 | Read 1/25/05 letter from Les Smith re: computer configuration at C&S and Hogan's response |
| 02/02/2005 | J. Morgan | 0.20 | 23.00 | Discuss Rule 54(b) certification with Leroy Colombe |
| 02/09/2005 | W. Ching | 0.20 | 30.00 | Tel call with C Ikeno re our options now that SJ has been granted for HTC and Foodland |
| 02/09/2005 | J. Morgan | 0.20 | 23.00 | Telcon with Leroy Colombe re: Rule 34 B Certification |
| 02/09/2005 | J. Morgan | 0.10 | 11.50 | Draft letter to Clyde Matsui re: no further participation in discovery conferences |
| 02/14/2005 | W. Ching | 0.10 | 15.00 | Tel call with A Miller re no motion for reconsideration filed yet by Berry |
| 02/15/2005 | W. Ching | 0.30 | 45.00 | Tel call with L Colombe re invoice from Matsui is incorrect, he will write to Matsui about it, and whether to file motion for 54b certification and review his letter to Matsui re his invoice and Foodland and HTC have been dismissed |
| 02/26/2005 | E. Lee | 0.40 | 26.00 | Assemble discovery materials and case files pending final disposition of case |
| 03/05/2005 | W. Ching | 0.10 | 15.00 | Review JMM memo re FRCP rule 54b certification pros and cons |
| 04/07/2005 | W. Ching | 0.10 | 15.00 | Tel call with A Miller re SJ with no motion for reconsideration by plaintiff |
| 04/13/2005 | J. Morgan | 0.10 | 11.50 | Read latest correspondence re: discovery issues |
| 04/18/2005 | J. Morgan | 0.50 | 57.50 | Review routing and email WHC re: Berry's continued reference to HTC as willful infringers |
| 04/19/2005 | J. Morgan | 0.10 | 11.50 | Address issue regarding Berry continuing to accuse HTC of direct infringement |
| 05/16/2005 | J. Morgan | 1.00 | 115.00 | Read Plaintiff's expert reports and plaintiff's motion for summary judgment |

| Date | Timekeeper | Time | Amount | Description of Service |
|--|-------------------|--------------|----------------|---|
| 05/17/2005 | J. Morgan | 0.20 | 23.00 | Discussion with Lex Smith re: Hogan's plans for HTC and email to WHC re: same |
| 05/31/2005 | J. Morgan | 0.20 | 23.00 | Read emails re: Rule 26 disclosures |
| 06/01/2005 | J. Morgan | 0.50 | 57.50 | Read Fleming's expert report and latest letter briefs |
| 06/09/2005 | J. Morgan | 0.30 | 34.50 | Draft and send letter to Matsui re: billing |
| 06/14/2005 | W. Ching | 0.20 | 30.00 | Review HEX settlement documents and stipulations |
| 06/21/2005 | W. Ching | 0.20 | 30.00 | Review email from plaintiff's and HEX counsel re their proposed stip for good faith settlement |
| 07/13/2005 | W. Ching | 0.20 | 30.00 | Exchange email with E Herz re status of case and time for plaintiff to appeal SJ in favor of HTC |
| 07/27/2005 | W. Ching | 0.10 | 15.00 | Review stip protective order between Berry and Hawaii Express |
| 10/03/2005 | W. Ching | 0.20 | 30.00 | Exchange email with Eric Herz re status of case |
| 11/16/2005 | W. Ching | 0.30 | 45.00 | Draft reply email to D Campbell re status of Berry case, possible appeal of HTC SJ, and trial set for Jan 2006 for remaining defendants |
| 11/17/2005 | W. Ching | 0.10 | 15.00 | Draft reply email to D Campbell re status of Berry case, possible appeal of HTC SJ, and trial set for Jan 2006 for remaining defendants |
| TOTALS: | W. Ching | 29.80 | 4470.00 | |
| | L. Chong | 1.70 | 297.50 | |
| | K. Douglas | 3.50 | 437.50 | |
| | J. Morgan | 46.20 | 5313.00 | |
| | E. Lee | 1.20 | 75.50 | |
| CATEGORY A - TOTAL LEGAL FEES (including Hawaii General Excise Tax) | | | | \$ 11,034.82 |

B. PLEADINGS

| Date | Timekeeper | Time | Amount | Description of Service |
|------------|------------|------|--------|---|
| 02/17/2004 | K. Douglas | 0.30 | 37.50 | Prepare Withdrawal and Substitution of Counsel re: Local Rule 83.6 |
| 04/07/2004 | K. Douglas | 0.40 | 50.00 | Determine status of Second Amended Complaint and review orders of Magistrate Judge Kobayashi |
| 04/07/2004 | K. Douglas | 1.90 | 237.50 | Draft pre-mediation letter outlining facts, legal issues, precedent |
| 04/07/2004 | K. Douglas | 0.90 | 112.50 | Research re: elements of liability for vicarious infringement |
| 04/07/2004 | K. Douglas | 0.80 | 100.00 | Research re: elements of liability for contributory infringement |
| 04/13/2004 | K. Douglas | 1.20 | 150.00 | Draft Confidential Pre-mediation Statement re: contributory infringement |
| 04/19/2004 | K. Douglas | 0.60 | 75.00 | Revise mediation statement |
| 04/22/2004 | K. Douglas | 0.50 | 62.50 | Finalize and submit the Confidential Mediation Statement |
| 05/10/2004 | W. Ching | 0.10 | 15.00 | Review letters from T Hogan regarding Second amended complaint and status conf |
| 05/19/2004 | W. Ching | 0.20 | 30.00 | Review Berry's statement of appeal from amended rule 16 scheduling order |
| 06/01/2004 | W. Ching | 0.20 | 30.00 | Review Fleming et al's memo in opposition to Berry's appeal from amended rule 16 scheduling order |
| 06/04/2004 | W. Ching | 0.20 | 30.00 | Review Judge Mollway's order affirming discovery limitations in amended rule 16 scheduling order |
| 06/21/2004 | K. Douglas | 0.30 | 37.50 | Review District Court Order Affirming Discovery Limitations in the Rule 16 Scheduling Order |
| 06/24/2004 | W. Ching | 0.50 | 75.00 | Review plaintiff's second amended complaint and RICO Statement |

| Date | Timekeeper | Time | Amount | Description of Service |
|------------|------------|------|--------|---|
| 06/24/2004 | W. Ching | 0.50 | 75.00 | Draft letter to client HTC and D Stephanic with plaintiff's second amended complaint and RICO Statement |
| 06/24/2004 | J. Morgan | 0.80 | 92.00 | Read Second Amended Verified Complaint for references to client HTC |
| 06/30/2004 | J. Morgan | 1.40 | 161.00 | Begin drafting HTC answer to Second Amended Verified Complaint |
| 07/01/2004 | J. Morgan | 7.30 | 839.50 | Research and draft answer to Berry's Second Amended Verified Complaint |
| 07/02/2004 | K. Douglas | 0.40 | 50.00 | Review and comment on Answer to Second Amended Complaint |
| 07/02/2004 | J. Morgan | 3.50 | 402.50 | Continue researching defenses for RICO claims |
| 07/07/2004 | W. Ching | 0.10 | 15.00 | Review Judge Kobayashi's minute order re Noa's request to quash subpoena duces tecum for her tel records |
| 07/09/2004 | J. Morgan | 0.70 | 80.50 | Re-draft Answer to Second Amended Verified Complaint |
| 07/10/2004 | W. Ching | 1.50 | 225.00 | Review and revise HTC's answer to plaintiff's second amended verified complaint and review HTC's answer to first amended complaint and Foodland's answer to second amended verified complaint |
| 07/12/2004 | W. Ching | 0.30 | 45.00 | Review and sign revised HTC answer to plaintiff's second amended complaint |
| 07/12/2004 | J. Morgan | 1.00 | 115.00 | Revise answer to Second Amended Verified Complaint |
| 07/13/2004 | W. Ching | 0.30 | 45.00 | Review Dillon,Christensen and Noa's answer to second amended complaint and Hawaiian Express Services answer to second amended complaint |
| 07/17/2004 | W. Ching | 0.10 | 15.00 | Review Fleming and C & S et al answer to second amended complaint |
| 08/05/2004 | W. Ching | 0.10 | 15.00 | Review Fleming's amended answer to second amended complaint |

| Date | Timekeeper | Time | Amount | Description of Service |
|------------|------------|------|--------|---|
| 08/12/2004 | J. Morgan | 0.30 | 34.50 | Draft statement of no opposition to Fleming's Pro Hac Vice Motion |
| 09/22/2004 | K. Douglas | 0.50 | 62.50 | Review case law in defense of claims and allegations underlying Second Amended Complaint |
| 10/01/2004 | W. Ching | 0.40 | 60.00 | Review Ponce et al answer to second amended complaint |
| 10/13/2004 | W. Ching | 0.50 | 75.00 | Review and revise HTC's proposed stipulated protective order regarding confidential information |
| 10/13/2004 | W. Ching | 0.50 | 75.00 | Review order denying plaintiff's motion for preliminary injunction |
| 10/13/2004 | K. Douglas | 1.00 | 125.00 | Modify proposed Stipulated Protective Order |
| 10/28/2004 | J. Morgan | 0.40 | 46.00 | Draft new SPO |
| 11/12/2004 | J. Morgan | 0.20 | 23.00 | Read Foodland's Response to statement of appeal re: Motion for Protective Order |
| 11/22/2004 | W. Ching | 0.30 | 45.00 | Review Judge Mollway's order re C & S position, C & S ex parte motion to file joinder to Fleming's memo in opposition, and plaintiff's memo in opposition to same |
| 11/22/2004 | W. Ching | 0.20 | 30.00 | Review Judge Mollway's order denying plaintiff's motion for reconsideration and draft letter to client and Urban with same |
| 11/29/2004 | K. Douglas | 0.30 | 37.50 | Review Judge Molloway's Order Denying Motion for Reconsideration |
| 11/30/2004 | K. Douglas | 0.10 | 12.50 | Review Judge Kobayashi's Order Appointing a Special Master for Discovery |
| 01/17/2005 | W. Ching | 0.10 | 15.00 | Review Berry's third supplemental disclosure re damages |
| 01/18/2005 | W. Ching | 0.10 | 15.00 | Review answer of Guidance Software and Gurzi to plaintiff's second amended complaint |
| 01/19/2005 | W. Ching | 0.10 | 15.00 | Review P Hirayama's answer to second amended complaint |

| Date | Timekeeper | Time | Amount | Description of Service |
|--|-------------------|--------------|----------------|---|
| 01/21/2005 | J. Morgan | 0.80 | 92.00 | Draft statements (2) of no opposition to Guidance Softwares pro hac vice motions(2) |
| 05/04/2005 | J. Morgan | 0.20 | 23.00 | Read and analyze new R. 16 Scheduling Order |
| TOTALS: | W. Ching | 6.30 | 945.00 | |
| | K. Douglas | 9.20 | 1150.00 | |
| | J. Morgan | 16.60 | 1909.00 | |
| CATEGORY B - TOTAL LEGAL FEES (including Hawaii General Excise Tax) | | | | \$ 4,170.80 |

C. DISCOVERY

| Date | Timekeeper | Time | Amount | Description of Service |
|------------|------------|------|--------|--|
| 05/19/2004 | W. Ching | 0.40 | 60.00 | Draft letter to client attaching plaintiff's discovery requests to HTC |
| 05/20/2004 | W. Ching | 0.40 | 60.00 | Review plaintiff's first requests for answers to interrogatories and for production of documents to HTC |
| 05/20/2004 | W. Ching | 0.20 | 30.00 | Tel call with C Ikeno of HTC re plaintiff's first requests for answers to interrogatories and for production of documents to HTC |
| 05/20/2004 | W. Ching | 0.20 | 30.00 | Draft letter to client and Stephanick with Judge Kobayashi's minute order re scope of discovery and plaintiff's appeal of it |
| 05/20/2004 | W. Ching | 0.50 | 75.00 | Tel call with T Hogan plaintiff's first requests for answers to interrogatories and for production of documents to HTC and that plaintiff is looking at whether HTC is infringing or not |
| 05/21/2004 | W. Ching | 0.30 | 45.00 | Tel calls with C Ikeno re Berry discovery requests to HTC |
| 05/24/2004 | W. Ching | 0.20 | 30.00 | Tel call with C Ikeno re conf call tomorrow to discuss plaintiff's discovery requests to HTC |
| 05/25/2004 | W. Ching | 1.50 | 225.00 | Conference tel call with C Ikeno and W Wei (general manager) re HTC responses to Berry's requests for answers to interrogatories and for prod of docs |
| 05/25/2004 | W. Ching | 0.50 | 75.00 | Conference tel call with C Ikeno, W Wei, and M Lam (IT manager) re HTC responses to Berry's requests for answers to interrogatories and for prod of docs |
| 05/26/2004 | W. Ching | 0.20 | 30.00 | Confer with L Smith re plaintiff's discovery requests to HTC |
| 05/28/2004 | W. Ching | 0.20 | 30.00 | Review L Smith's excerpts from Berry doc requests and responses of Fleming/C & S and forward same to HTC |
| 06/01/2004 | J. Morgan | 3.40 | 391.00 | Draft first set of discovery requests to plaintiff |

| Date | Timekeeper | Time | Amount | Description of Service |
|------------|------------|------|--------|--|
| 06/01/2004 | W. Ching | 0.20 | 30.00 | Review and revise HTC discovery requests to Berry |
| 06/02/2004 | J. Morgan | 1.50 | 172.50 | Revise interrogatories and requests for production of documents to plaintiff Berry |
| 06/02/2004 | W. Ching | 0.80 | 120.00 | Revise and finalize HTC discovery requests (for answers to interrogatories and for production of documents) to plaintiff Berry |
| 06/03/2004 | J. Morgan | 0.70 | 80.50 | Revise first set of discovery requests to plaintiff Berry |
| 06/07/2004 | W. Ching | 0.20 | 30.00 | Draft email to and receive tel call from C Ikeno re status of HTC discovery responses to plaintiff |
| 06/07/2004 | W. Ching | 0.30 | 45.00 | Tel call with E Saffery re status of HTC discovery responses to plaintiff and questions of concern to HTC re proprietary information |
| 06/10/2004 | W. Ching | 1.00 | 150.00 | Review and revise HTC responses to plaintiff's requests for answers to interrogatories |
| 06/10/2004 | W. Ching | 0.40 | 60.00 | Tel call with Ed Saffery re my questions as to some of HTC's responses to plaintiff's requests for answers to interrogatories |
| 06/10/2004 | W. Ching | 0.20 | 30.00 | Tel call with Ed Saffery re HTC responses to #16 of plaintiff's requests for answers to interrogatories |
| 06/11/2004 | W. Ching | 2.00 | 300.00 | Revise HTC response to plaintiff's first request for answers to interrogatories and first request for prod of docs |
| 06/11/2004 | W. Ching | 0.40 | 60.00 | Draft email to C Ikeno and E Saffery with our revised HTC responses to plaintiff's first request for answers to interrogatories and first request for prod of docs |
| 06/14/2004 | W. Ching | 0.30 | 45.00 | Review email from and tel calls with W Wei re my revised responses to plaintiff's discovery responses |

| Date | Timekeeper | Time | Amount | Description of Service |
|------------|------------|------|--------|---|
| 06/14/2004 | W. Ching | 0.30 | 45.00 | Tel call with C Ikeno and exchange emails with Ikeno and E Saffery with further revised responses to plaintiff's discovery responses |
| 06/15/2004 | W. Ching | 0.30 | 45.00 | Tel calls with W Wei and with C Ikeno re HTC discovery responses and verifications signed by Wei and Lam |
| 06/15/2004 | W. Ching | 0.40 | 60.00 | Finalize HTC discovery responses for service on counsel today |
| 06/15/2004 | J. Morgan | 0.50 | 57.50 | Read HTC's discovery responses to Berry's first discovery request |
| 06/16/2004 | W. Ching | 0.10 | 15.00 | Tel call with M Lam re his comments to HTC discovery responses and verification |
| 06/24/2004 | J. Morgan | 2.20 | 253.00 | Draft amended discovery requests to plaintiff |
| 06/25/2004 | W. Ching | 0.50 | 75.00 | Review and revise HTC amended discovery requests to plaintiff |
| 06/25/2004 | J. Morgan | 0.20 | 23.00 | Continue drafting amended discovery requests to plaintiff |
| 07/06/2004 | W. Ching | 0.40 | 60.00 | Tel call with T Hogan re plaintiff's responses to HTC discovery, HTC response to plaintiff's second amended complaint, and Hogan's theory about HTC new software as potentially infringing Berry's software |
| 07/06/2004 | W. Ching | 0.20 | 30.00 | Review letter briefs to Judge Kobayashi from R Mead and T Hogan re discovery dispute as to SDT for phone records of T Noa |
| 07/06/2004 | W. Ching | 0.20 | 30.00 | Review Berry's answers to HTC discovery requests |
| 07/20/2004 | J. Morgan | 0.10 | 11.50 | Tel call to Tim Hogan re: status of discovery responses |
| 07/24/2004 | W. Ching | 0.20 | 30.00 | Review T Noa's response to plaintiff's first request for answers to rogs |
| 07/28/2004 | J. Morgan | 0.10 | 11.50 | Draft letter to Tim Hogan re: status of discovery requests |

| Date | Timekeeper | Time | Amount | Description of Service |
|------------|------------|------|--------|--|
| 08/19/2004 | W. Ching | 0.50 | 75.00 | Review plaintiff's responses to HTC request for answers to interrogatories and draft letter to client and D Stepanick re same |
| 08/19/2004 | E. Lee | 0.40 | 24.00 | Telephone call from T Hogan re response to our request to inspect Plaintiff's documents responsive to our first request for production of documents |
| 08/24/2004 | E. Lee | 1.00 | 60.00 | Start review of documents produced by Plaintiff in response to document request |
| 08/31/2004 | J. Morgan | 4.50 | 517.50 | Review discovery responses from Plaintiff |
| 09/22/2004 | K. Douglas | 0.80 | 100.00 | Review Plaintiff Berry's Answers to Interrogatories as basis for allegations of direct infringement |
| 09/03/2004 | J. Morgan | 5.20 | 598.00 | Continue reading and analyzing Berry's responses to HTC's first request for answers to interrogatories and reviewing documents produced by Berry to begin drafting agenda for upcoming meeting with client |
| 09/07/2004 | J. Morgan | 2.20 | 253.00 | Continue examining documents produced by Berry in Response to HTC's production requests |
| 09/07/2004 | E. Lee | 0.10 | 6.00 | Follow up with T Hogan's office re status of supplemental production of documents |
| 09/08/2004 | J. Morgan | 6.90 | 793.50 | Continue review of documents received from Pltf's; begin researching elements for each claim made by plaintiff's; research elements to support a RICO claim |
| 09/17/2004 | W. Ching | 0.20 | 30.00 | Revise letter to Hogan re deficiency in plaintiff's discovery responses to HTC |
| 09/17/2004 | J. Morgan | 2.00 | 230.00 | Draft letter to Hogan re: discovery deficiency |
| 09/21/2004 | W. Ching | 2.50 | 375.00 | Prepare for and meet and confer with Tim Hogan re plaintiff's and HTC's discovery responses |